

REMARKS/ARGUMENTS

In response to the Final rejection dated July 25, 2003, Claims 1-18 remain in this application. Claims 19-27 have been canceled.

Applicants hereby cancel claims 19-27 without prejudice.

The undersigned appreciates the Examiner's withdrawal of the rejections based upon the Blalock reference (US Pat. No. 5,779,849).

Claim Rejections - 35 USC § 102(e)

Claims 1-17 and 19-27 are rejected under 35 USC 102(e) as being anticipated by Sandhu (US Pat. No. 5,599,396). Claims 19-27 have been cancelled. Of the remaining claims rejected under 35 USC 102(e), Claims 2-12 depend from Claim 1 and Claims 14-17 depend from Claim 13. Therefore, Claims 1 and 13 will be addressed first.

The Examiner has already held that the priority of Claims 1 and 13 pre-dates the June 1994 priority date of the Blalock reference based upon the Declaration Under 37 CFR 1.132 submitted with applicants' previous response. Applicants' now petition the Examiner to apply this same finding to Sandhu, which has an even later priority date (February 28, 1995). Specifically, Claims 1 and 13 are entitled under 35 USC 120 to the filing date of June 27, 1991 of U.S. application Serial No. 07/722,340. Reference here is made to the Declaration Under 37 CFR 1.132 submitted with applicants' previous response, and to the arguments

contained in applicants' previous response establishing continuity of disclosure, continuity of inventorship and continuity of prosecution, and these are incorporated herein by reference and are not reiterated here. Since the Examiner has previously held this claim of priority to be sufficient to overcome the 1994 priority date of the Blalock reference with respect to Claims 1 and 13, it is certainly sufficient to overcome the 1995 priority date of Sandhu. It is felt, therefore, that no new issues are raised.

The other claims rejected under 35 USC 102(e) (i.e., Claims 2-12 and 14-17) depend from Claims 1 and 13 respectively, and are therefore patentable upon the same basis. Therefore, applicants' hereby petition the Examiner to withdraw the rejection of Claims 2-12 and 14-17 over Sandhu on the basis that Claims 2-12 and 14-17 are entitled under 35 USC 120 to the filing date of June 27, 1991 of U.S. application Serial No. 07/722,340. Since the Examiner has previously validated applicants' claim of priority for a reference having an even earlier priority date than Sandhu, it is felt that this petition raises no new issues.

Nevertheless, attention is drawn to the fact that the previously submitted Declaration Under Rule 132 referred to above establishes the priority date of June 27, 1991 in detail for each individual one of the dependent claims rejected under 35 USC 102(e) (i.e., Claims 2-12 and 14-17). Therefore, in the alternative, applicants' request to withdraw the rejection of Claims 2-13 and 14-17 is based upon the portions of the previously submitted Declaration Under Rule 132 specifically addressing those claims.

In addition, the Examiner has previously held that applicants' claim of priority for dependent claims 3, 5, 6 and 9-14 was sufficient to overcome the 102(e) rejection under the earlier Blalock reference, and therefore it is certainly sufficient for at least these claims to overcome the same rejection under the later Sandhu reference without raising any new issues.

Claim Rejections - 35 USC 103

Claim 18 is rejected under 35 USC 103(a) as being unpatentable over Sandu (US Pat. No. 5,599,396) as applied to claims 1-17 and 19-27 above, and further in view of Wolf et al., "Silicon Processing for the VLSI Era Volume 1: Process Technology". Claim 18 depends from Claim 13 and therefore contains subject matter which previously has been held by the Examiner to have a priority pre-dating the Blalock reference, which in turn predates Sandhu. Therefore, withdrawal of the rejection of Claim 18 is requested based upon the priority under 35 USC 120 of this claim predating the effective date of Sandhu. It is felt that, in view of the Examiner's previous favorable holding regarding a reference (Blalock) having an earlier effective date than Sandhu, this request raises no new issues that would prevent entry of this amendment and withdrawal of the rejection under 35 USC 103.

Nevertheless, attention is drawn to the fact that the previously submitted Declaration Under Rule 132 referred to above establishes the priority date of June 27, 1991 in detail for Claim 18 predating the effective date of Sandhu. Therefore, in the alternative, applicants' request to

withdraw the rejection of Claim 18 under 35 USC 103 is based upon the portions of the previously submitted Declaration Under Rule 132 specifically addressing those claims.

Summary

In view of the foregoing corrections and remarks, it is felt that the rejection of the claims under 35 USC 102(e), and 35 USC 103(a) have been overcome. Therefore, withdrawal of these rejections is respectfully requested and allowance of the application is earnestly solicited.

If, however, the Examiner believes that this amendment or any petitions or requests contained in this amendment raise new issues, the undersigned would greatly appreciate a telephone call from the Examiner.

Respectfully submitted,



Dated: September 8, 2003

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